

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
PINE BLUFF DIVISION**

**HOWARD VANCE GARNER
ADC #98409**

PLAINTIFF

v.

Case No.: 5:12-cv-00217 KGB/HDY

MARK CASHION *et al.*

DEFENDANTS

ORDER

The Court has reviewed the Proposed Findings and Recommendations submitted by United States Magistrate Judge H. David Young and the objections filed by Howard Vance Garner. After carefully considering the objections and making a *de novo* review of the record in this case, the Court concludes that the Proposed Findings and Recommendations should be, and hereby are, approved and adopted in their entirety as this Court's findings in all respects.

IT IS THEREFORE ORDERED THAT:

1. Defendants' motion for summary judgment (Dkt. No. 47) is granted, and Mr. Garner's complaint is dismissed without prejudice.
2. The Court certifies that an *in forma pauperis* appeal taken from the order and judgment dismissing this action is considered frivolous and not in good faith.

SO ORDERED this 30th day of May, 2013.



KRISTINE G. BAKER
UNITED STATES DISTRICT JUDGE